

ADR United States District Court
NORTHERN DISTRICT OF CALIFORNIA

E-FILING

DEC 06 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

SUMMONS IN A CIVIL CASE

KATHLEEN VENTIMIGLIA, individually, and as
the Guardian Ad Litem for STEPHEN
VENTIMILIA and KELLIE VENTIMILIA

CASE NUMBER:

V.

UNITED STATES OF AMERICA,
CHAMBLIN-LANDES CONSTRUCTION, INC., a
California corporation, and DOES 1-50

C07 05481

RS

TO: (Name and address of defendant)

CHAMBLIN-LANDES CONSTRUCTION, INC.
935 Riverside Avenue, No. 15
Paso Robles, CA 93447-2577

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADLEY M. CORSIGLIA, ESQ.
CORSIGLIA, McMAHON & ALLARD LLP
96 North Third Street, Suite 620
San Jose, CA 95112
Telephone: (408) 289-1417
Facsimile: (408) 289-8127

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking
CLERK

DATE OCT 26 2007


(BY) DEPUTY CLERK

Tiffany Salinas-Harwell

1 **BRADLEY M. CORSIGLIA, ESQ. SBN 117004**
2 **CORSIGLIA MCMAHON & ALLARD LLP**
3 96 NORTH THIRD STREET, SUITE 620
4 SAN JOSE, CALIFORNIA 95112
5 TELEPHONE: (408) 289-1417
6 FAX: (408) 289-8127

7 **ATTORNEYS FOR PLAINTIFFS,**
8 **KATHLEEN VENTIMIGLIA, individually, and as the Guardian**
9 **Ad Litem for STEPHEN VENTIMILIA and KELLIE VENTIMILIA**

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 **KATHLEEN VENTIMIGLIA, individually, and as**
14 **the Guardian Ad Litem for STEPHEN**
15 **VENTIMILIA and KELLIE VENTIMILIA,**

16 **Plaintiffs,**

17 **v.**

18 **UNITED STATES OF AMERICA,**
19 **CHAMBLIN-LANDES CONSTRUCTION, INC.,**
20 **a California corporation, and DOES 1-50,**
21 **inclusive,**

22 **Defendants.**

23 **No. C07 05481 RS**

24 **PROOF OF SERVICE SUMMONS**
25 **CIVIL/CASE**

RETURN OF SERVICE

SEE ATTACHED SHEET FOR ADDITIONAL DOCS*
Service of the Summons and Complaint was made by me

DATE
10/31/07; 10:55 AM

Name of SERVER (PRINT)

TITLE
REG. PROCESS SERVER

CARLOS AGUIRRE, COUNTY PROCESS SERVICE

Check one box below to indicate appropriate method of service

☒ Served Personally upon the Defendant. Place where served:
UNITED STATES OF AMERICA, UNITED STATES ATTORNEY'S OFFICE, BY SERVING ROSALIND
TOLEDO, AUTH. TO ACCEPT; 150 ALMADEN BLVD. STE.900, SAN JOSE, CA 95113

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and
discretion then residing therein.
Name of person with whom the summons and complaint were left

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES


| TRAVEL | SERVICES | TOTAL |
|--------|----------|---------|
| | | \$42.50 |

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing
information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 11/1/07

Date

CARLOS AGUIRRE
SANTA CLARA COUNTY #886

Signature of Server
31 EAST JULIAN STREET
SAN JOSE, CA 95112

Address of Server

COUNTY PROCESS SERVICE, INC.
31 East Julian Street
San Jose, CA 95112
(408) 297-6070

Ventimiglia v United States of America, et al.

Documents

1. Summons in a Civil Case (United States of America)
2. Summons in a Civil Case (Chamblin-Landes Construction, Inc.)
3. Civil Cover Sheet
4. Complaint for Damages (1) Wrongful Death
5. Order Setting Initial Case Management Conference and ADR Deadlines
6. Welcome to the United States District Court for the Northern Division of California, Clerk' Office, San Jose Division

Attorney or Party without Attorney:

Bradley M. Corsiglia, Esq.
96 N. 3rd Street, Suite 620
San Jose, Ca 95112

Telephone No: (408) 289-1417

Ref. No. or File No.:
90476

Attorney for: Plaintiff

Insert name of Court, and Judicial District and Branch Court:

United States District Court Northern District Of California-San Jose

Plaintiff: KATHLEEN VENTIMIGLIA, individually & Guardian Ad Litem-

Defendant: UNITED STATES OF AMERICA

**PROOF OF SERVICE
SUMMONS CIVIL/CASE**

Hearing Date:

Wed, Feb. 13, 2008

Time:

2:30PM

Dept/Div:

Case Number:

C07 05481 RS

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUMMONS IN A CIVIL CASE; (UNITED STATES OF AMERICA; SUMMONS IN A CIVIL CASE (CHAMBLIN-LANDES CONSTRUCTION, INC.,) COMPLAINT FOR DAMAGES (1) WRONGFUL DEATH; CIVIL CASE CAVER SHEET; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; WELCOM TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DIVISION OF CALIFORNIA, CLERK'S OFFICE, SAN JOSE DIVISION

3. a. Party served:

CHAMBLIN-LANDES CONSTRUCTION, INC.

b. Person served:

R DENEVE-AUTHORIZED TO ACCEPT, White, Female, 35 Years Old, Brown
Hair, Brown Eyes, 5 Feet 7 Inches, 150 Pounds

4. Address where the party was served:

1345 RIVERSIDE AVE
PASO ROBLES, CA 93447

5. I served the party:

a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue., Nov. 27, 2007 (2) at: 1:25PM

6. The "Notice to the Person Served" (on the Summons) was completed as follows:

on behalf of: CHAMBLIN-LANDES CONSTRUCTION, INC.

Under CCP 416.10 (corporation)

7. **Person Who Served Papers:**

a. STEPHEN L. SHEA

b. **COUNTY PROCESS SERVICE**

31 EAST JULIAN ST.

SAN JOSE, CA 95112

c. 408/297-6070

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. **The Fee for Service was: \$110.00**

e. I am: (3) registered California process server

(i) Independent Contractor

(ii) Registration No.: 144

(iii) County: San Luis Obispo

(iv) Expiration Date: Sun, Apr. 27, 2008

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Wed, Nov. 28, 2007

| | | | |
|---|-------------------------------------|----------------------------|------------------------------|
| Attorney or Party without Attorney: | | For Court Use Only | |
| Bradley M. Corsiglia, Esq. 96 N. 3rd Street, Suite 620 San Jose, Ca 95112 | | | |
| Telephone No: (408) 289-1417 | | Ref. No or File No.: 90476 | |
| Insert name of Court, and Judicial District and Branch Court: | | | |
| United States District Court Northern District Of California-San Jose | | | |
| Plaintiff: KATHLEEN VENTIMIGLIA, individually & Guardian Ad Litem- | | | |
| Defendant: UNITED STATES OF AMERICA | | | |
| Affidavit of Reasonable Diligence | Hearing Date: Wed, Feb. 13, 2008 | Time: 2:30pm | Case Number: C07 05481 RS |

1. I, STEPHEN L. SHEA, and any employee or independent contractors retained by COUNTY PROCESS SERVICE are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant CHAMBLIN-LANDES CONSTRUCTION, INC. as follows:

2. **Documents:** Summons In A Civil Case; (United States Of America; Summons In A Civil Case (Chamblin-Landes Construction, Inc.,) Complaint For Damages (1) Wrongful Death; Civil Case Cover Sheet; Order Setting Initial Case Management Conference And Adr Deadlines; Welcome To The United States District Court For The Northern Division Of California, Clerk's Office, San Jose Division.

| Day | Date | Time | Location | Results |
|-----|----------|---------|----------|--|
| Fri | 11/23/07 | 12:15pm | Business | ROY A. GRAVES. ATTORNEY. NO CONSTRUCTION COMPANY OR MARTIN LANDES POSTED. Attempt made by: STEPHEN L. SHEA. Attempt at: 935 RIVERSIDE AVE UNIT# 15 PASO ROBLES CA 93447-2577. |
| Tue | 11/27/07 | 1:20pm | Other | I RELOCATED TO CORRECT ADDRESS OF: 1345 RIVERSIDE AVE., PASO ROBLES CA 93447. PHONE NUMBER IS: (805) 237-9784. Attempt made by: STEPHEN L. SHEA. |
| Tue | 11/27/07 | 1:25pm | Business | Personal Service on: CHAMBLIN-LANDES CONSTRUCTION, INC. Business - 1345 RIVERSIDE AVE PASO ROBLES, CA. 93447 by Serving: R DENEVE-AUTHORIZED TO ACCEPT, White, Female, 35 Years Old, Brown Hair, Brown Eyes, 5 Feet 7 Inches, 150 Pounds Authorized to Accept the Service of Process. Served by: STEPHEN L. SHEA |

3. **Person Executing**
 a. STEPHEN L. SHEA
 b. COUNTY PROCESS SERVICE
 31 EAST JULIAN ST.
 SAN JOSE, CA 95112
 c. 408/297-6070

Recoverable Costs Per CCP 1033.5(a)(4)(B)
 d. **The Fee for service was:** \$110.00
 e. I am: (3) registered California process server
 (i) Independent Contractor
 (ii) Registration No.: 144
 (iii) County: San Luis Obispo
 (iv) Expiration Date: Sun, Apr. 27, 2008

4. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Wed, Nov. 28, 2007

Affidavit of Reasonable Diligence

(STEPHEN L. SHEA)

NAME: VENTIMIGLIA v. UNITED STATES OF AMERICA, et al.

Case No. C-07-05481 RS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DECLARATION OF SERVICE

I am a citizen of the United States. My business address is 96 North Third Street, Suite 620, San Jose, CA 95112. I am employed in the County of Santa Clara, where this mailing occurs. I am over the age of 18 years, and not a party to the within cause. I certify that I am authorized to serve the Summons and Complaint in the within action pursuant to F.R.Civ.P 4(c) and that on the date set forth below, I served the attached document(s):

1. **SUMMONS IN A CIVIL CASE (United States of America);**
2. **SUMMONS IN A CIVIL CASE (Chamblin-Landes Construction, Inc.);**
3. **CIVIL COVER SHEET;**
4. **COMPLAINT FOR DAMAGES (1) WRONGFUL DEATH;**
5. **ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; and**
6. **WELCOME TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DIVISION OF CALIFORNIA, CLERK'S OFFICE, SAN JOSE DIVISION.**

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Department of the Navy
Office of the Judge Advocate General
Tort Claims Unit Norfolk
9620 Maryland Avenue, Suite 100
Norfolk, VA 23511-2989

[X] (BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED) I am readily familiar with the United States Postal Service's practice for processing certified mail, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I sealed said envelopes and gave them to the clerk for processing and mailing at the United States Post Office located at 105 North First Street, San Jose, CA 95113-9998 on **October 30, 2007**. Attached hereto please find photocopies of the Certified Mail Receipt stamped by the United States Post Office and the Return Receipt signed by the recipients at the offices of the Attorney General and Department of the Navy, respectively.

DECLARATION OF SERVICE

- 1 [] (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand
2 this date to the offices of the addressee(s).
- 3 [] (BY FACSIMILE) I caused such document(s) to be delivered via facsimile this date
4 to the offices of the addressee(s).
- 5 [] (BY OVERNIGHT MAIL) I enclosed the documents in an envelope or package
6 provided by an overnight delivery carrier and addressed to the person(s) at the
7 address(es) listed above. I placed the envelope or package for collection and
8 overnight delivery at an office or a regularly utilized drop box of the overnight
9 delivery carrier.
- 10 [] (STATE) I declare under penalty of perjury under the laws of the State of California
11 that the foregoing is true and correct.
- 12 [X] (FEDERAL) I declare that I am employed in the office of a member of the bar of
13 this court at whose direction the service was made.

14 Executed on November 14, 2007 at San Jose, California.

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Virginia L. Fernandez

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$

Sent To Attorney General
 U.S. Department of Justice
 Street, Apt. No., or PO Box No. 950 Pennsylvania Avenue, NW
 City, State, ZIP+4 Washington, DC 20530-0001

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attorney General
 U.S. Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530-0001

2. Article Number
 (Transfer from service label)

7005 0390 0005 3205 7118

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Samuel P. ...☐ Agent☐ Addressee

B. Received by (Printed Name)

NOV 06 2007

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 if YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

Verthmiglia

2ACPRI-03-F-1838

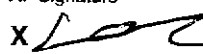
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

| | |
|---|----|
| Postage | |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |

Sent To DEPARTMENT OF THE NAVY
 Office of the Judge Advocate General
 Tort Claims Unit Norfolk
 9620 Maryland Avenue, Suite 100
 Norfolk, VA 23511-2989

PS Form 3800, July 2002

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | | <p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Christina S.</p> <p>C. Date of Delivery 11-2-07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p> | |
| <p>1. Article Addressed to:</p> <p>DEPARTMENT OF THE NAVY Office of the Judge Advocate General Tort Claims Unit Norfolk 9620 Maryland Avenue, Suite 100 Norfolk, VA 23511-2989</p> | | <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> | |
| <p>2. Article Number (Transfer from service label)</p> | | <p>7005 0390 0005 3205 7125</p> | |

PS Form 3811, August 2001

Domestic Return Receipt Ventimiglia

2ACPRI-03-F-1838